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11 *Attorneys for Defendant, Hartford Fire Insurance Company*

12 **UNITED STATES DISTRICT COURT**  
13 **DISTRICT OF NEVADA**

14 SALVADOR PLASCENCIA, individually; and  
15 KYLE HAIL, individually,

16 Plaintiffs,

17 vs.

18 HARTFORD FIRE INSURANCE COMPANY,  
19 a Connecticut Corporation; DOES, I through X,  
20 inclusive; ROE BUSINESS ENTITIES, I  
21 through X, inclusive,

22 Defendants.

Case No.: 2:22-cv-01420

**PETITION FOR REMOVAL**

23 **TO: THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA:**

24 PLEASE TAKE NOTICE that Defendant Hartford Fire Insurance Company (“Hartford”) hereby removes this action to the United States District Court for the District of Nevada (the “District Court”), from Nevada’s Eighth Judicial District Court in and for Clark County (“State Court”), pursuant to 28 U.S.C. §§ 1332, 1441(b) and 1446.

25 1. Plaintiffs Salvador Plascencia (“Plascencia”) and Kyle Hail (“Hail”) (collectively “Plaintiffs”) filed this action on July 22, 2022 in State Court as Case No. A-22-855833-C. Plaintiffs named Hartford as the only Defendant. A true and correct copy of the Complaint is attached hereto as **Exhibit 1**.

26 2. This Court has jurisdiction over the instant action pursuant to 28 U.S.C. § 1332(a)

1 because: (i) this action is a civil action pending within the jurisdiction and territory of the United  
2 States District Court for the District of Nevada; (ii) the action is between citizens of different states;  
3 (iii) the amount in controversy exceeds the sum of \$75,000, exclusive of interest and costs; and  
4 (iv) all procedural requirements for removal are met.

5       3.       **There is Complete Diversity of Citizenship Here.** Plaintiffs allege that they were  
6 at all times relevant, residents of Clark County, Nevada and therefore citizens of Nevada.  
7 (Complaint at ¶ 1-2). Hartford is an Connecticut corporation with its principal place of business  
8 in Hartford, Connecticut. Thus, it is a citizen of Connecticut for the purposes of jurisdiction.  
9 Accordingly, there is complete diversity of citizenship between and among the Parties.

10       4.       **Consent to Jurisdiction.** Hartford is the only named defendant in this case. As  
11 such, it does not need consent for removal from any other party.

12       5.       **The Amount in Controversy Exceeds \$75,000.** Plaintiffs seek monetary relief in  
13 this action. Plaintiffs allege that they were involved in a motor vehicle accident on August 2, 2018,  
14 wherein Plaintiffs were injured and sustained damages. (Complaint at ¶ 9). Plaintiffs contend that  
15 at the time of the accident, their employer was the insured under a policy of insurance issued by  
16 Hartford, which includes coverages for damages from underinsured motor vehicles (“UIM”) in the  
17 amount of \$1,000,000. (Complaint at ¶ 109).

18       Hail alleges in Paragraph 86 of the Complaint that he submitted a demand for policy limits  
19 to Hartford on March 1, 2021, which included the cost of his medical as of March 1, 2021 totaling  
20 \$55,462.00, as well as future care totaling between \$221,000.00 and \$271,300.00. *See* Complaint  
21 at ¶¶ 58, 86-87. *See also*, Hail’s March 1, 2021 demand to Hartford, attached hereto as **Exhibit 2**.

22       Plascencia alleges in Paragraph 64 of the Complaint that he submitted a demand for policy  
23 limits to Hartford on May 12, 2022, which included the cost of his medical care as of May 12,  
24 2022 totaling \$108,594.74. *See* Complaint ¶ 64; *see*, Plascencia’s May 12, 2022 demand to  
25 Hartford, attached hereto as **Exhibit 3**. Accordingly, the amount in controversy in this action  
26 substantially exceeds the \$75,000 jurisdictional minimum of this District Court.

27       6.       **Removal is Timely.** The Complaint was filed on July 22, 2022. The Nevada  
28 Department of Insurance forwarded the Complaint to Hartford on August 1, 2022 pursuant to NRS

1 680A.260(1). Thus, this notice of removal is timely filed within the 30-day period prescribed by  
2 28 U.S.C. § 1446(b)(1), and less than one year after the action was initiated, as required by 28  
3 U.S.C. § 1446(c)(1).

4 7. **Notice to the State Court and All Adverse Parties.** Hartford will give notice of  
5 this removal to all adverse parties in the action and to the State Court promptly after the filing of  
6 the instant Notice of Removal, in compliance with the requirements of 28 U.S.C. § 1446(d).

7 8. **All Pleadings from the State Court Action Have Been Attached.** The only  
8 pleadings from the State Court Action are attached hereto as **Exhibit 1**.

9 9. **This Notice Complies with Fed. R. Civ. P. 11.** This Notice of Removal is hereby  
10 signed pursuant to Fed. R. Civ. P. 11(a).

11 10. Accordingly, because Hartford has complied with all applicable terms of 28 U.S.C.  
12 § 1446, it hereby removes this action in intervention from the State Court to the District Court, and  
13 hereby requests that further proceedings be conducted in the District Court as provided by law.

14 DATED this 31<sup>st</sup> day of August, 2022.

15 WRIGHT, FINLAY & ZAK, LLP

16 /s/ Darren T. Brenner

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**CERTIFICATE OF SERVICE**

Pursuant to Fed. R. Civ. P. 5(b) and Electronic Filing Procedure IV(B), I certify that on 31<sup>st</sup> day of August, 2022, a true and correct copy of the foregoing **PETITION FOR REMOVAL** was transmitted electronically through the Court’s e-filing electronic system to the attorney(s) associated with this case.

/s/ Jason Craig  
An Employee of WRIGHT, FINLAY & ZAK, LLP

**EXHIBIT LOG**

Exhibit 1	All filings of record from case A-22-855833-C
Exhibit 2	Hail’s March 1, 2021 demand
Exhibit 3	Plascencia’s May 12, 2022 demand